IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W. P. No. 829 of 2001 (S/S)

Smt. Vinita Shuyal ……Petitioner.

Versus

Basic Shiksha Adhikari,
Nainital & others …..Respondents.

Mr. P.S. Adhikari / Mr. B.S. Adhikari, learned counsels for the petitioner.
Mr. H.M. Raturi, learned counsel for respondents.

Hon'ble P.C. Verma, A.C.J.

This writ petition has bee filed by the petitioner seeking a writ of certiorari to command the respondent No. 1 to promote the petitioner according to her seniority from 16.12.1997 when the promotion of respondent No. 3 Ku. Uma Pathak has been made and also to treat the petitioner as Head Mistress from 16.12.1997 paying her all the arrears of scale of 1450-2300.

Heard Mr. P.S. Adhikari, learned counsel for the petitioner and Mr. H.M. Raturi, learned counsel for the respondents.

The petitioner was appointed in the Education Department as Assistant Teacher on 9.3.1989 and she took charge according to the directions given by respondent No. 1 on 16.3.1989 in Girls Junior High School, Mota Haldu, District Nainital. Respondent No. 3, namely, Km. Uma Pathak was appointed by respondent No. 1 vide order dated 15.4.1989 just one month after the joining of the petitioner. Therefore, it is clear that respondent No. 3 is junior to petitioner, but she had been picked up for promotion on the post of Head Mistress by respondent No. 1. Against this, petitioner made a representation dated 30.3.1998 before respondent No. 1, who made an order on the same representation after the recommendation of Deputy Distt. Basic Shiksha Adhikari, Nainital to the effect that the name of the petitioner has been left inadvertently from the promotion list and as the vacancy is existing, hence her promotion recommended, but no heed was paid by the respondent on the illegal deprivation of the petitioner.

Admittedly, junior to the petitioner has been promoted as agreed by the learned counsel for both the parties during the course of arguments.

Therefore, it is provided that the petitioner shall be promoted from the date her junior has been promoted within a period of one month form the date of production of certified copy of this order. Any can shall not come in the way of promotion of the petitioner. However, the promotion of respondent No. 3, namely, Km. Uma Pathak shall not be affected in any manner.

With the aforesaid observations, the writ petition is disposed of finally. No order as to costs.

(P.C. Verma, A.C.J.)

Dt. 29.06.2004
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